

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

981 WRIT PETITION NO.9617 OF 2019

NAMDEO SURYABHAN PANDIT

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

WRIT PETITION NO.9621 OF 2019

SAYYAD RABBANI SAYYAD BAPU

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. A. B. Kharosekar, Advocate for the Petitioners.

Mr. V. M. Kagne, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 29th AUGUST, 2019.

PER COURT:-

1. Mr. Kharosekar, learned counsel for petitioners submits that the vehicles of petitioners were illegally seized. The petitioners had never indulged in illegal activities. The seizure is conducted by Talathi and Circle Officer. They are not authorized.

2. Mr. Kagne, learned A.G.P. submits that order of seizure is passed by Tahasildar. It is

only the physical act of intercepting vehicles that has been done by the Talathi and Circle Officer, so also carrying out panchanama.

3. The learned A.G.P. submits that even fine is imposed on vehicles of Rs.2,00,000/- (Rs. Two Lakhs Only) in each matter. The petitioners have alternate remedy of appeal.

4. We would not entertain petitions to the extent of fine and penalty. The petitioners may avail the remedy as is available under the provisions of Maharashtra Land Revenue Code.

5. Keeping the vehicles idle for long would also not be in anybodies interest. The vehicles are seized on 26.04.2019 and 19.07.2019 respectively. Considering that the fine is also imposed upon the vehicles, we pass the following order:

- i) The petitioners shall pay fine of Rs.1,00,000/- (Rs. One Lakh Only) each towards fine imposed upon the vehicles with the authorities. The authorities shall also get the bond executed to their satisfaction. Thereafter, the authorities shall release the vehicles seized from petitioners as per the panchanama in question and after confirming the ownership of the vehicles and genuineness of the documents.

ii) The payment of amount of Rs.1,00,000/- (Rs. One Lakh only) each towards the fine of vehicles would be subject to the decision in appeal that would be passed by the authorities.

6. Writ Petitions are disposed of. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/August-19